

## Response to Comments

City of Los Angeles  
Donald C. Tillman Water Reclamation Plant  
Tentative NPDES Permit

Agency/ Letter/ Issue	#	Comment	Agree	Disagree	Reply	Action Taken
<p>City of Los Angeles</p> <p>March 1, 2010 Cover letter – Comments Regarding Tentative Order dated January 27, 2010</p>						
Effective date of Amendment	1.	<p>The City would like for the Amended Order to go into effect as soon as possible. Therefore, they requested that the effective date of the Amendment, as mentioned in Finding 69 be modified to read as follows:</p> <p>“This Order shall serve as the National Pollutant Discharge Elimination System permit pursuant to Section 402 of the Federal Clean Water Act, or amendments thereto, and is effective <u>upon adoption because the public comments submitted were not significant</u>, provided the Regional Administrator, USEPA, has no objections.”</p>		X	<p>The effective dates of NPDES permits are discussed in 40 CFR Part 124.15 and in the <i>Memorandum of Agreement Between the USEPA and the California State Water Resources Control Board (MOA)</i>. According to Section II.F.1. of the MOA, “NPDES permits, other than general permits, adopted by the State Board or Regional Board shall become effective <u>upon the adoption date only</u> when:</p> <ul style="list-style-type: none"> <li>a. EPA has made no objections</li> <li>b. There has been no significant public comment;</li> <li>c. There have been no changes made to the latest version of the draft permit that was sent to EPA for review ( unless the only changes were made to accommodate EPA comments); and</li> <li>d. The State Board or Regional Board does not specify a different effective date at the time of adoption</li> </ul> <p>According to Section F.2 of the MOA, “NPDES permits, other than general permits, adopted by the State Board or Regional Board shall become <u>effective on the 50<sup>th</sup> day after the date of adoption</u>, if EPA has made no objection to the permit; if:</p> <ul style="list-style-type: none"> <li>a. There has been significant public comment; or</li> <li>b. Changes have bee made to the latest version of the draft permit that was sent to EPA for review (unless the only changes were made to accommodate EPA comments).</li> </ul> <p>We received comment letters from the Discharger and from Heal the Bay. Due to the public comments received, the Amendment shall become “effective on the 50<sup>th</sup> day after the date of adoption,”</p>	Change effective date from 30 days to 50 days, unless the Board specifies a different date at the hearing.

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Compliance Dates	2.	The City appreciates the incorporation of the new dates for the effective date of the copper and lead interim limits.	X		Comment noted.	None necessary.
Copper WER incorporation into TMDL and NPDES permit	3.	The City urges that the Regional Board adopts the Los Angeles River Copper Water Effects Ratio (WER) Study and incorporate its results into the Basin Plan and the permits.		X	<p>The adoption by the Board of a Copper WER into the Los Angeles River Metals TMDL is outside the scope of this permitting action and will be addressed as a separate Agenda item.</p> <p>However, the Copper WER may be incorporated into the Donald C. Tillman WRP's permit at a later date, because the permit contains a reopener to allow that to happen. But before that occurs, a series of events need to take place so that permitting staff may act on that reopener. First, the Copper WER study results need to be incorporated into the Los Angeles River Metals TMDL and adopted by the Regional Board at a public hearing. Second, the revised Los Angeles River Metals TMDL needs to undergo approval from the State Board, the Office of Administrative Law, and USEPA. Assuming the revised Los Angeles River Metals TMDL has undergone the full approval process, permitting staff can then proceed to reopen the permit, prepare a tentative order, public notice the revision, and schedule it for adoption at a future Board Meeting.</p>	None necessary at this time.
Confusing Rescission Language	4.	<p>The language with regard to rescission has been modified and is now confusing. The Bureau suggests that the second sentence should be removed since there is no longer any discussion of rescission; thus, the paragraph should be modified to read:</p> <p>“Order No. 98-047, adopted by the RWQCB on June 15, 1998 <del>is hereby rescinded</del> <u>was superseded upon the effective date of Order No. R4-2006-0092</u>, except for enforcement purposes. <del>This rescission is dependent upon and relative to the issuance of this Order.</del> To the extent any provisions, limitations, or requirements set forth in this Order that <u>supersede</u> analogous provisions, limitations or</p>	X		We agree to remove the strikeout sentences as noted in the comment letter.	Changes made to the Order.

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		requirements in Order No. 98-047, are stayed or deemed to be unenforceable, the relevant provisions, limitations, or requirements of Order No. 98-047 shall remain enforceable.”				
Signatory	5.	To clarify the language that modifies the adoption date and signer of the Order, the RWQCB should change “...an order adopted...” to “...this modified Order adopted....”		X	The language written in this section is appropriate because it is referring to the Order that is before the Board for adoption at the April 1, 2010 Board Meeting. This Order modifies Order No. R4-2006-0091, this is not a modified Order.	None necessary.
Compliance Determination for Temperature	6.	The City suggests that the Fact Sheet be modified to include an explanation for the modifications to the temperature limit and compliance determination language in the WDRs and to elaborate on the ambient temperature exception.	X		Section IX.7.B.m. of the Fact Sheet will be modified to include a reference to the receiving water temperature compliance determination language in Section IV.5.E. of the WDR, and a reference to the effluent temperature limitation in Section I.1.D. of the WDR.	Add language referencing WDR § IV.5.E. & I.1.D.
Deletion of Tetrachloro-ethylene and bis(2-ethylhexyl)-phthalate Discussion	7.	<p>Because the DCT Permit no longer has effluent limitations for tetrachloroethylene and bis(2-ethylhexyl)phthalate, paragraph XII.2 on pg. F-60 of the DCT revised permit Fact Sheet should be modified as follows:</p> <p>“2. The prior NPDES permit for the Tillman WRP contained effluent limitations for tetrachloroethylene and bis(2-ethylhexyl)phthalate, based on MCLs and expressed as daily maximum, which had to be met at the end of pipe.</p> <p>Reasonable potential analysis was conducted using new data and the TSD methodology. The analysis showed that the discharge had <u>no</u> reasonable potential to exceed the MCLs for the constituents listed in the above Table in Section XI.7.D, therefore <u>a no limitations for these constituents are</u> <del>is</del> included in the permit.”</p> <p>In addition, the Bureau also suggests that the</p>	X		We agree to modify the language as noted in the comment letter.	Changes made to the Fact Sheet.

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		remainder of Subsection 2 is no longer applicable and should be removed.				
<p style="text-align: center;">Heal the Bay March 1, 2010 Cover letter – Comments Regarding Tentative Order dated January 27, 2010</p>						
Support aspects of Order	1.	Heal the Bay (HtB) supports many aspects of the Revised Permit. For instance, HtB supports: the retention of Spill Reporting Requirements; requirement for a Spill Contingency Plan; and, the inclusion of Daily Maximum Effluent Limitations.	X		Comment noted and appreciated.	None necessary.
Limits for Cadmium & Zinc based on TMDL WLAs	2.	HtB requests that the water quality based effluent limitations (WQBELs) for cadmium and zinc, metals in the Los Angeles River Metals TMDL, be applied all year round, in dry weather as well as in wet weather.		X	The WQBELs for cadmium and zinc are consistent with the Los Angeles River TMDL. TMDLs cannot be modified through a permitting action, but instead must go through a separate public hearing process. If in the future the TMDL is modified, to specify that the WLAs should be applied all year round, then the NPDES permit can be modified, consistent with Reopener 6, in Section V. of the WDR.	None necessary.
Limits w/ no RPA	3.	HtB thinks that the Regional Board should not remove WQBELs that did not have calculated reasonable potential to cause or contribute to an exceedance.		X	The removal of effluent limitations, for constituents that no longer show reasonable potential, is consistent with the State Board's Precedential Order WQ 2003-0009. As stated in Finding 60, under Section B.b. of the Tentative Amended Order, "Effluent limitations for cyanide, tetrachloroethylene, bis(2-ethylhexyl)phthalate, and gamma-BHC are removed in this order for constituents that no longer have reasonable potential, as required by State Board Order WQ 2003-0009."	None necessary.

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Dataset Timeframe	4.	What was the reason for limiting the data to 2008? HtB want RB staff to consider data more recent than 2008, and dating back at least five years when feasible.		X	<p>As stated in Finding 60, under Section B.b. of the Tentative Amended Order, "During the settlement negotiations preceding the January 25, 2010 settlement agreement, a new reasonable potential analysis was conducted in February 2009, using available data that was representative of the treated effluent following the NDN upgrade and the ammonia add-back process change (Table A6 of the accompanying Fact Sheet);" and, under Section B.2, "Effluent limitations for cyanide, tetrachloroethylene, bis(2-hexylethyl)phthalate, and gamma-BHC are removed in this order for constituents that no longer have reasonable potential, as required by State Board Order WQ 2003-0009."</p> <p>In response to HtB's comment, Regional Board staff expanded the dataset to include the 2009 data, re-ran the RP calculations, and updated Spreadsheets Table A6r. Note that the results remain unchanged. Cyanide tetrachloroethylene, bis(2-hexylethyl)phthalate, and gamma-BHC still do not have reasonable potential. However, the RP calculations did not include data prior to the plant upgrade, because that would not have been representative of current treatment.</p> <p>This approach is consistent with the SIP and a guidance memo titled, <i>Historical Data Review for Reasonable Potential Analyses</i>, issued by Celeste Cantú, former Executive Director of the State Board, following the decision of a lawsuit in the Alameda Superior Court of the State of California, City of Woodland v. California Regional Water Quality Control Board, Central Valley Region (Case No. RG04-188200).</p>	Dataset was updated to include 2009 data and the spread-sheets were updated, but results are unchanged.
Monitoring Frequency Reduction	5.	HtB thinks that the Regional Board should not decrease effluent sampling or monitoring frequency for cyanide, tetrachloroethylene, bis(2-ethylhexyl)phthalate, and gamma-BHC from monthly to quarterly.		X	The monitoring frequency for cyanide, tetrachloroethylene, bis(2-ethylhexyl)phthalate, and gamma-BHC was reduced from monthly to quarterly because the limits were dropped, since they did not have reasonable potential.	None necessary .